

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARRY J. BRETT and LESLIE BRETT

Plaintiffs,

- against -

44th STREET RESTAURANT LLC.

d/b/a DB Bistro Moderne

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#

DATE FILED: 8/27/2015

CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER

15 CV 2921 (ER)

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This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [is] [is not] to be tried to a jury.
3. Joinder of additional parties must be accomplished by 10/16/15.
4. Amended pleadings may be filed until 10/16/15.
5. Interrogatories shall be served no later than 9/10/15, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 [shall] [shall not] apply to this case.
6. First request for production of documents, if any, shall be served no later than 9/10/15.
7. Non-expert depositions shall be completed by 11/18/15.
 - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.

8. Any further interrogatories, including expert interrogatories, shall be served no later than 12/30/15.
9. Requests to Admit, if any, shall be served no later than 12/30/15.
10. Expert reports shall be served no later than 1/29/16.
11. Rebuttal expert reports shall be served no later than 2/29/16.
12. Expert depositions shall be completed by 3/15/16.
13. Additional provisions agreed upon by counsel are attached hereto and made a part hereof. *Plaintiff will request an inspection of defendant's equipment and materials used for cleaning and food preparation which are claimed to be the source of the foreign un-natural object which plaintiff consumed at defendant's restaurant and caused injury.
14. **ALL DISCOVERY SHALL BE COMPLETED BY** 3/15/16.
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
17. The Magistrate Judge assigned to this case is the Hon. James L. Cott.
18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
19. The next case management conference is scheduled for March 17, 2016, at 11:00am. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated: New York, New York

August 27, 2015


Edgardo Ramos, U.S. District Judge